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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,848	01/16/2004	Michael Laurence Rooney	64162-030	5087

7590 06/15/2007  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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ANTHONY, JOSEPH DAVID

ART UNIT	PAPER NUMBER
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1714

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/757,848

1/16/2004

Rooney

6412-030

EXAMINER

Joseph D. Anthony

ART UNIT

PAPER

1714

20070609

DATE MAILED:

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Commissioner for Patents

See the Second Notice of Incomplete Response to the Restriction Requirement

Joseph D. Anthony

Joseph D. Anthony  
Primary Examiner  
Art Unit: 1714

6/9/07

***Second Notice of Incomplete Response to the Restriction Requirement***

1. Applicant's first reply to the Notice of Incomplete Response to the Restriction Requirement filed on 03/21/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant failed to include an accurate listing of all claims readable on the elected invention and species, including any claims subsequently added, even though such a requirement was bolded and underlined in the written restriction requirement mailed 10/5/06. In applicant's said response filed 3/21/07, applicant asserts that claims 35-49 are readable on the elected invention and the elected species. Such an assertion is clearly false. In applicant's response to the original written restriction/election of species requirement, filed on 12/11/06, applicant elected Group I claims 35-49 and elected the following species: 1) ethyl cellulose as the source of labile hydrogen; 2) 2-methyl-anthraquinone as the reducible organic compound; and 3) triphenylphosphite as the scavenging component. As far as the Examiner can determine, only claims 35-38, 41-42 and 46-47 of elected Group I, read on said elected species. As an example, the Examiner wholly fails to see how claim 39 which requires that the "at least one reducible organic compound is present in a polymerized or oligomerised form" reads on applicant's elected species of 2-methyl-anthraquinone as the reducible organic compound, since 2-methyl-anthraquinone is clearly neither a polymer nor an oligomer, but is rather a specific compound. Applicant should confirm in his response to this Notice that they either agree with the examiner that only claims 35-38, 41-42 and 46-47 of elected Group I, read on said elected species, or set forth detailed reasons why any additional claims are believed to read on the elected species.

Furthermore, the Examiner reaffirms his previously made statement that applicant's traversal of the restriction requirement that: "As such the Examiner's assertion that the process can be carried out with another product is incorrect." is deemed to be totally false statement since the examiner never made any such assertion in the written restriction requirement mailed 10/5/06. Rather on page 2, section 2 of the Restriction Requirement the Examiner made the following statement in the last line of said section 2: "In the instant case the product as claimed can be used in an ink composition.". The other sentences in section 2 on page 2 are the Form Paragraphs Recitation of how an examiner must show the inventions to be distinct. Please notice that "either or both" of said listed possibilities must be shown by the examiner. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

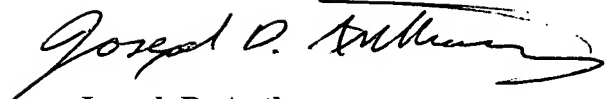
***Examiner Information***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (571) 273-8300. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.

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**Joseph D. Anthony**  
**Primary Patent Examiner**  
Art Unit 1714

6/9/07